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**OMORI & YAGUCHI**

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**FACSIMILE TRANSMISSION**

**RECEIVED**

8 AUG 2005

Legal Staff  
International Division

TO: PCT Legal Office  
FAX No.: 571-273-0459  
FROM: Konomi Takeshita (Miki Yamaguchi)  
DATE: August 8, 2005

**Application No. 10/516,849**

Our Ref.: Y04S022

**MESSAGE:**

Please see the attached.

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\*\*\* The information contained in this facsimile message is privileged and confidential information intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any distribution or copying of this immediately by telephone and return the original message to us at the above address by mail. \*\*\*

We have 12 pages to send, including this sheet. If any pages need to be retransmitted, please call 215-701-6349

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kenichiro MIYAHARA )

Docket Number: )

Y04S022 )

Serial No.: 10/516,849 )

Filed: December 3, 2004 )

Group Art Unit: Not known )

FOR: SUBSTRATE FOR THIN FILM FORMATION, )  
THIN FILM SUBSTRATE, OPTICAL )  
WAVEGUIDE, LIGHT EMITTING DEVICE )  
AND SUBSTRATE FOR LIGHT EMITTING )  
DEVICE MOUNTING )

Attention: PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO THE DIRECTOR UNDER 37 C.F.R. § 1.181**

Dear Sir:

Review and immediate remedy in above identified U.S. National Stage patent application is respectfully requested. The following explanation and accompanying copies of documents describe the situation in relation to this application.

Applicant filed papers for entering the National Stage in the present PCT Application Publication No. WO 2004/005216 A1 on December 3, 2004. Along with the National Stage entry, Applicant filed a Preliminary Amendment, to improve the title of the invention and to cancel independent claims 4-25, leaving only independent claims 1-3.

Applicant then received the attached return postcard, showing the assignment of Serial No. 10/516,849 by the USPTO. On January 7, 2005, Applicant filed various formal papers, an English Language translation, and an IDS. The USPTO again returned the attached postcard,

indicating receipt of those papers.

However, we then received the attached Filing Receipt dated July 1, 2005, having Serial No. 10/516,489, rather than Serial No. 10/516,849. Although the receipt has the correct inventor name and the correct Customer Number, all of the other information is incorrect. It has an Attorney docket number from another law firm and the completely wrong title, priority data, etc.

Applicant received the attached Notice of New or Revised Projected Publication Date dated July 21, 2005, which also has the wrong data.

Apparently, the present application got combined with an entirely different case, belonging to another law firm. Also, the USPTO has apparently taken no action in relation to the present application, since its filing on December 3, 2004.

Applicant respectfully requests the immediate attention to and straightening out of this matter. Since this confusion results from handling on the part of the USPTO, Applicant believes it owes no fees relating to its remedy.

In the event of a need for further information, the Patent Office is requested to telephone the undersigned attorney in our Philadelphia, PA office by telephone at (215) 701-6349. All correspondence should be directed to our below listed address.

Date: August 8, 2005

Respectfully submitted,



Konomi Takeshita  
Registration No. 38,333  
Omori & Yaguchi USA, LLC  
Agent for Applicant  
Eight Penn Center, Suite 1901  
1628 John F. Kennedy Blvd.

Philadelphia, PA 19103  
Phone No. (215) 701-6349

IN RE THE PATENT APPLICATION OF:

Kenichiro MIYAHARA

APPLICATION NO:

N/A

FILED:

Herewith

FOR:

SUBSTRATE FOR FORMING THIN  
FILM, THIN FILM SUBSTRATE,  
OPTICAL WAVE GUIDE,  
LUMINESCENT ELEMENT AND  
SUBSTRATE FOR CARRYING  
LUMINESCENT ELEMENT

The following papers have been received:

- Certificate of Mailing;
- Transmittal Letter;
- Preliminary Amendment;
- Checks in the amounts of \$475.00; and
- Application Data Sheet

PT03-Rec'd PCT/PTO 03 DEC 2004

10/516849

Docket No.

Y-04S022

The Patent and Trademark Office is respectfully requested to place its STAMP on the POSTAL CARD and place it in the outgoing mail.

Respectfully,

Omori & Yaguchi, 12/3/04

DT03 Rec'd PCT/PTO 07 JAN 2003

IN RE THE PATENT APPLICATION  
OF:  
Kenichiro MIYAHARA

APPLICATION NO:  
10/516, 849

FILED:  
December 3, 2004

FOR:  
Substrate For Thin Film Formation,  
Thin Film Substrate, Optical  
Waveguide, Light Emitting Device  
And Substrate For Light Emitting  
Device Mounting

The following papers have been received:

- a certificate of Express Mailing;
- a Transmittal Letter;
- ~~an~~ English Language Translation of the International Application as filed;
- a Declaration of the Inventor;
- an Information Disclosure Statement under 37 CFR 1.97 and 1.98; and
- a Certificate of Translation;
- a Power of Attorney

OUR DOCKET NO.:  
Y04S022

The Patent and Trademark Office is respectfully requested to place its STAMP on the POSTAL CARD and place it in the outgoing mail.

Respectfully,  
Omori & Yaguchi USA, LLC.

1/7/05



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/516,489	01/07/2005	3672	659	S04-1126	4	26	3

CONFIRMATION NO. 4903

35910  
OMORI & YAGUCHI USA, LLC  
EIGHT PENN CENTER, SUITE 1901  
1628 JOHN F. KENNEDY BOULEVARD  
PHILADELPHIA, PA 19103

## FILING RECEIPT



\*OC000000016407151\*

Date Mailed: 07/01/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Kenichiro Mlyahara, Fujisawa-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 35910.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB03/02394 06/02/2003

## Foreign Applications

UNITED KINGDOM 0213069.8 06/07/2002

Projected Publication Date: 10/06/2005

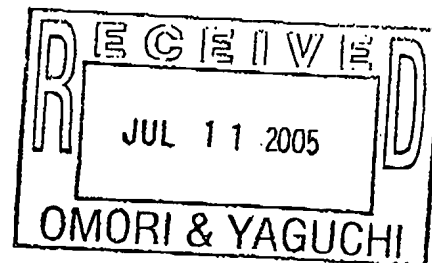
Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Rotating diverter head



**Preliminary Class**

166

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,489	Kenichiro Miyahara	S04-1126

35910  
 OMORI & YAGUCHI USA, LLC  
 EIGHT PENN CENTER, SUITE 1901  
 1628 JOHN F. KENNEDY BOULEVARD  
 PHILADELPHIA, PA 19103

INTERNATIONAL APPLICATION NO.	
PCT/GB03/02394	
I.A. FILING DATE	PRIORITY DATE
06/02/2003	06/07/2002

CONFIRMATION NO. 4903  
 371 ACCEPTANCE LETTER



\*OC000000016407152\*

Date Mailed: 07/01/2005

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>01/07/2005</u>	<u>01/07/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art. Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 12/01/2004
- Copy of the International Search Report filed on 12/01/2004
- Preliminary Amendments filed on 12/01/2004
- Information Disclosure Statements filed on 12/01/2004
- Oath or Declaration filed on 01/07/2005
- Small Entity Statement filed on 12/01/2004
- U.S. Basic National Fees filed on 12/01/2004
- Priority Documents filed on 12/01/2004
- Power of Attorney filed on 01/07/2005

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

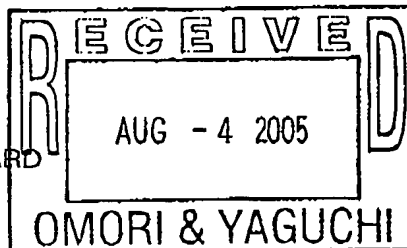


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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/516,489	01/07/2005	Kenichiro Miyahara	S04-1126

35910  
 OMORI & YAGUCHI USA, LLC  
 EIGHT PENN CENTER, SUITE 1901  
 1628 JOHN F. KENNEDY BOULEVARD  
 PHILADELPHIA, PA 19103



CONFIRMATION NO. 4903



\*OC000000016580552\*

Date Mailed: 07/21/2005

## NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 10/27/2005. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

TX/RX NO	8894
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	08/08 14:26
TIME USE	01'33
PGS.	12
RESULT	OK